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1st Session

SENATE

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100-4

NOMINATION OF NICHOLAS PLATT

JULY 31 (legislative day, JUNE 23), 1987.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

The Committee on Foreign Relations, to which was referred the nomination of Nicholas Platt, to be Ambassador to the Republic of the Philippines, having considered the same, reports favorably thereon and recommends that the nomination be confirmed.

COMMITTEE ACTION

The nomination of Nicholas Platt to be Ambassador to the Republic of the Philippines was submitted by President Reagan to the Senate on April 24, 1987. On the same day the nomination was referred to the Committee on Foreign Relations.

On May 28, 1987, the committee held its first hearing on the nomination of Ambassador Nicholas Platt to be Ambassador to the Philippines. During that hearing, Senator Helms raised a number of questions concerning a February 1982 memorandum which Ambassador Platt sent to then Secretary of State Haig.

At Senator Helms' request, Senator Pell agreed to hold another hearing to explore Senator Helms' concerns regarding Ambassador Platt's 1982 memorandum. Before the second hearing was held, committee staff interviewed Ambassador Platt to obtain background information about the 1982 memorandum. Members of the committee staff also interviewed Mr. Mark L. Edelman and Mr. James Michel, two of the five individuals who were responsible for clearing the 1982 memorandum. On July 24, 1987, the committee held a second hearing on Ambassador Platt's nomination.

At its business meeting on July 28, 1987, the committee ordered the Platt nomination reported favorably to the Senate by a vote of

S384-3

18 to 1. Yeas: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams Moynihan, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell. Nays: Senator Helms.

COMMITTEE COMMENTS

The committee finds Ambassador Nicholas Platt to be well qualified to be our next Ambassador to the Philippines. He has served his country since 1959 as a member of the Foreign Service and has been Ambassador to Zambia. Most recently, he served as the Executive Secretary of the State Department, which made him one of Secretary Shultz's most senior advisors. In addition to his posts in Washington and Lusaka, he has served in Canada, Hong Kong, China, and Japan. As Deputy Secretary John Whitehead informed the committee, Nicholas Platt "is one of the Department's recognized authorities on East Asia and had experience in the 1979 Base Negotiations with the Philippine Government."

During the course of Mr. Platt's confirmation hearings, questions were raised concerning a memorandum which he had written in 1982. In February 1982, Mr. Platt was Acting Assistant Secretary of State for International Organization Affairs and his memorandum was written in response to a cable which Secretary Haig received from then Ambassador to the United Nations, Jeane Kirkpatrick. In her cable to Secretary Haig, Ambassador Kirkpatrick observed that, unlike the fiscal year 1981 legislation, the fiscal year 1982 authorization and appropriations bills did not require the withholding of any portion of the U.S. voluntary contribution to the specialized agencies of the United Nations. The fiscal year 1981 legislation had required that the United States reduce its voluntary contribution to the specialized U.N. agencies by an amount equal to 25% (i.e. the U.S. assessed contribution to those agencies) of the amount which those agencies spent on programs which benefited the PLO, SWAPO, and Cuba.

In her cable to Secretary Haig, Ambassador Kirkpatrick suggested that, despite the absence of congressional restrictions in fiscal year 1982, the administration might want to continue the practice of withholding a portion of the U.S. contribution to those agencies with programs that benefit the PLO, SWAPO, and Cuba. In his memorandum to Secretary Haig, Ambassador Platt recommended against that course of action for the following reasons:

(1) At the time the 1982 memorandum was written, the Department opposed withholding on the grounds that it undercut U.S. interests more than it hurt the targeted groups (i.e. the PLO, SWAPO, and Cuba). The U.S. contributions to each of the specialized U.N. agencies go into a general fund. They cannot be earmarked to prevent a U.N. agency from using them to benefit a country or program that is offensive to the United States. Thus, the effect of reducing the U.S. contribution to U.N. agencies is to reduce the amount available to countries and programs the United States supports. The State Department has therefore argued that direct diplomatic pressure on U.N. members is a more effective means of reducing the flow

of U.N. funds to recipients such as the PLO or SWAPO, while protecting the programs supported by the United States.

(2) The State Department also opposed withholding on the grounds that it would undermine the traditional American opposition to restrictions in the World Bank and other multilateral agencies.

(3) The State Department had opposed the congressional withholding requirement in fiscal year 1981, and continued to oppose withholding in fiscal year 1982. When the Congress omitted the withholding requirement in fiscal year 1982, Ambassador Platt recommended that State stick with its established position.

(4) In fiscal year 1982, the Congress specifically earmarked funds for UNICEF, UNDP, and UNEP. Therefore, as the State Department Legal Advisor's office informed Ambassador Platt at the time, State could only reduce payments to these U.N. agencies through the congressional rescission process.

(5) The Department's Congressional Liaison Office informed Ambassador Platt that there would be little reason to seek a congressional rescission since the Congress intentionally omitted any withholding requirement in fiscal year 1982.

During his confirmation hearings, Ambassador Platt reviewed many of these points. He also testified that the State Department position on withholding, as reflected in his memorandum, was not inconsistent with strong opposition to U.N. programs which benefit the PLO, SWAPO, or Cuba. Indeed, he testified that he had taken numerous actions to discourage the funding of such programs, but that withholding does not accomplish that objective because the U.S. contribution goes into a general fund and cannot be earmarked to prevent its use in specific programs.

After an examination of the issues involved, the committee determined that, regardless of whether the State Department position on withholding was good or bad policy, it was not in any way improper for Ambassador Platt to make the recommendation he did to Secretary Haig. Ambassador Platt provided Secretary Haig with the cable from Ambassador Kirkpatrick, his memorandum, and a proposed response to the Kirkpatrick cable. In so doing, Ambassador Platt provided Secretary Haig with everything he needed to make an informal decision.

The committee finds that Ambassador Platt has conducted himself in a professional manner throughout his career in the Foreign Service and is well qualified to be the next United States Ambassador to the Republic of the Philippines.

ADDITIONAL VIEWS OF SENATOR JESSE HELMS ON THE NOMINATION OF NICHOLAS PLATT TO BE AMBASSADOR TO THE PHILIPPINES

The Department of State has often stressed the nonpartisan professionalism of the career Foreign Service, and has repeatedly insisted that such professionals can loyally serve Presidents of different parties and differing political views. The nomination of Nicholas Platt offers a case study of the manner in which a State Department career official can subvert such professional standards of diplomacy in order to undercut the express policy of a President. Mr. Platt's actions cast grave doubt upon his ability or willingness to represent the President abroad when the President's policy differs from Mr. Platt's.

On February 25, 1982, Mr. Platt was the Acting Assistant Secretary of State for International Organization Affairs. It is important to note that he was only "Acting;" he had never been nominated and never been confirmed by the U.S. Senate. He was only a bureaucrat temporarily filling a spot until a Presidential nomination would be made. Yet on that date, he took steps to undercut U.N. Ambassador Jeane Kirkpatrick's recommendation that the President's policy against the PLO and other terrorists be upheld. Despite the fact that the PLO was on a terrorist march at the time, Mr. Platt set in motion a bureaucratic mechanism for full funding of the PLO at the U.N. using U.S. taxpayers' funds.

Mr. Platt's action was not only contrary to policy, but contrary to common sense. The manner in which he did it is a classic example of the way that bureaucrats can undercut their superiors by distorting and limiting the options available for policy decision.

On February 25, 1982, Ambassador Kirkpatrick sent an urgent cable to the Secretary of State asking that the policy of denying funds to the PLO by withholding a proportionate amount of our U.N. dues be continued. The denial of funds to the PLO had been established by statute for the previous year, but had been omitted by oversight in the fiscal year 1982 legislation. Nevertheless, Ambassador Kirkpatrick, who was engaged in a campaign against terrorism at the U.N., argued that the no-PLO-funding rule be continued as policy. She questioned whether the Reagan administration "wanted to be in the position of restoring U.S. funding for programs benefiting these groups." She further stressed that the decision was "very politically sensitive."

Mr. Platt did not think the anti-PLO rule should be continued. When the cable arrived at the Secretary's office on the morning of February 25, it was forwarded to Mr. Platt's bureau. And even though he was only an "acting" bureaucrat without political authority, he immediately prepared a distorted and erroneous memorandum intended to conceal a momentous policy change by presenting it as a minor fiscal action. The entire text of the memoran-

dum and Ambassador Kirkpatrick's cable appears at the conclusion of these views. (See appendix I.)

Mr. Platt complained that the Ambassador's request would require a rescission of appropriated funds. He said that if we supported restrictions on the terrorist organization we would undermine our traditional opposition to restrictions on the World Bank and other multilateral agencies, and since Congress had chosen not to impose proportionate PLO reductions on our voluntary contributions to the U.N., then Congress "intended to do precisely what it did." Finally he asserted that the State Department Congressional Relations Bureau, designated in State Department jargon as "H," "believes that there is no political advantage to reinstituting these restrictions at this time."

Of course, the State Department proposes rescissions in appropriated funds all the time, and it would be unthinkable that the appropriate congressional committees approving rescissions would demand full funding of terrorist organizations. His logic that the World Bank was in the same category as terrorist organization is typical of convoluted State Department reasoning. As for Congress intending to fund terrorism—if that weren't preposterous on its face—the fact was that Congress had simply forgotten to address the issue. If PLO restrictions had been voted down, Mr. Platt might have had a case. The truth is that in the maelstrom of the legislative process, Congress did not notice that the State Department had failed to include the PLO cutoff in the legislation sent up to Congress. In the succeeding year, Congress acted quickly to reinstitute the statute against PLO funding.

Finally, the assertion that this critically sensitive issue had been agreed to by the Congressional Relations Bureau was quite simply false. Although the name of the Assistant Secretary for Congressional Relations appears on the memo, the handwriting does not belong to him. Moreover, the then Assistant Secretary has assured me that he never saw the memo, never agreed to it, and never could have agreed to anything so politically foolish.

The historical context of this action favoring the PLO must be recalled. At this time, the PLO was increasing terrorism, the PLO was seeking wider diplomatic recognition, and the PLO was putting the military pressure on South Lebanon and northern Israel that brought on the Israeli incursion into Lebanon only a few weeks later. On August 29, 1981, the PLO bombed a synagogue in Vienna, with 2 dead and 20 injured. On October 20, 1981, the PLO bombed an Antwerp synagogue with 2 dead, and 100 injured. This terrorism seemed to enhance the PLO diplomatic campaign. On October 23, 1981, the PLO managed to get Greece to recognize its de facto embassy in Athens. In December, 1981, the PLO got diplomatic recognition from France for its embassy in Paris. And on February 10, only 15 days before Mr. Platt wrote the memo reporting that there was no political advantage to suspending funding of the PLO with U.S. taxpayers' dollars, the headline in the New York Times said: "Israel Is Said to Weigh an Invasion of Lebanon if PLO Goes On."

Perhaps this is the reason that Mr. Platt's colleagues wrote the following on the distribution list of those to get copies of the memo: "Platt does not want this memo to go to Amb. Kirkpatrick."

In preparation for the hearing, the committee staff made a careful study of the contents and preparation of this memo, and interviewed as many members of Mr. Platt's former staff at the International Organization Bureau that the State Department permitted them to interview. The State Department refused to permit interviews of two key employees involved in the preparation of Mr. Platt's memo.

Nevertheless, Mr. Platt readily admitted in his confirmation hearing that he had not provided Secretary Haig with one word which might support Ambassador Kirkpatrick's position. He admitted that he "specifically instructed the Secretariat [of the State Department] that Ambassador Kirkpatrick should not see a copy of [the] memorandum." He also admitted that he made no political contacts himself with political appointees in the State Department or National Security Council, or with the relevant committees on the Hill. He simply took it upon himself to reverse a clear policy desired by the President, the Ambassador to the United Nations, and Congress itself.

Mr. Platt's lack of professional integrity directly resulted in a major policy error. It not only bears on his competence and his loyalty, but has a direct impact upon the post to which he has been nominated as U.S. Ambassador to the Philippines. The Communist terrorists in the Philippines are aided by a radical Muslim group supported by the PLO. It would be sheer folly to send the signal to the Philippine people that the man representing President Reagan in their midst had foiled President Reagan's anti-terrorist policy at a critical moment. Mr. Platt's lack of integrity with regard to U.S. taxpayers' funds financing the PLO will make it difficult for him to function in a country where such terrorism is a major problem facing the government of the Philippines. It is an open invitation to Mr. Platt to subvert Mr. Reagan's policy again. If Mr. Platt is confirmed, the people of the Philippines may well wonder why such a man is sent as the U.S. representative to their country, but they will no doubt be watching Mr. Platt's actions very carefully.

It should also be noted that Mr. Platt played a unique role in the State Department Secretariat during the period of transition from the Marcos administration to the Aquino administration. I submitted 14 questions to Mr. Platt covering issues in that transition, which he has answered in writing. Those questions and answers conclude these views. (See appendix II.)

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APPENDIX I

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E/S 8201126

DEPARTMENT OF STATE

ACTION MEMORANDUM

2/25/82

TO: The Secretary

FROM: IO - Nicholas Platt, Acting

SUBJECT: Response to Ambassador Kirkpatrick on Proportionate Reductions in FY 1982 UN Voluntary Contributions

SUMMARY:

Ambassador Kirkpatrick has suggested making proportionate reductions in our voluntary contributions to UN assistance programs included in the International Organizations and Programs (IO and P) account for FY 1982. This proposal would require rescission of appropriated funds and will not improve program policies of affected international organizations. We recommend that you oppose any effort to reinstate restrictions on this account.

ANALYSIS OF ISSUES

The FY 1981 continuing resolutions provided that none of the funds for the IO and P account finance the U.S. proportionate share for any programs for the Palestine Liberation Organization (PLO), the South West African People's Organization (SWAPO), the Zimbabwe African National's Union (ZANU), the Zimbabwe African People's Union (ZAPU), and Cuba. Pursuant to the law, we reduced our FY 1981 contributions to UNDP ($297,722), UNICEF ($27,316), World Food Program ($6,822), UNEP ($19,000), and IAEA ($130,321). The total reduction ($481,181) amounted to 0.2 percent of the account.

The FY 1982 foreign aid authorization and appropriations bills do not contain proportionate share reductions on U.S. voluntary contributions from IO and P. Congress did retain similar restrictive language on assessed contributions. Since the amounts for UNDP, UNICEF and UNEP are specifically earmarked in the FY 1982 legislation, we could reduce our payments to them only through the Congressional rescission process.

EVALUATION OF OPTIONS

-- If we support restrictions to these organizations, we will undermine our traditional opposition to restrictions in the World Bank and other multilateral agencies.

-- Last year we argued against these restrictions on this account. Congress chose not to impose reductions on our voluntary contributions while retaining them on assessed payments. From this, we conclude that Congress intended to do precisely what it did. It believes, therefore, that there is no political advantage to reinstituting these restrictions at this time.

-- U.S. contributions go into a general fund. They cannot be earmarked to prevent the organizations from using them in a particular country or program offensive to us.

-- The effect of reducing U.S. contributions would be minimal. Our 0.2 percent reduction in FY 1981 did not prohibit the programs for named NLMS and Cuba from transpiring; it only forced affected agencies to allocate the shortfall among all recipients. Thus, the impact of future reductions would no more change events in these voluntary agencies than has the Soviet withholding of funds affected UN peacekeeping operations and UN bond repayments.

-- Activities of the International Atomic Energy Agency directly advance U.S. strategic interests. A reduction to this organization, which conducted a program in Cuba in FY 1981, would only diminish support for the safeguards program which is vital to the goals for nuclear non-proliferation which we seek.

RECOMMENDATION

That you sign the attached letter as revised opposing reductions in the IO and P account to Ambassador Kirkpatrick and seek Bill Clark's concurrence on this matter.

or just do it by phone?

Attachments:

1. Letter to Ambassador Kirkpatrick
2. Memorandum from Bremer to Clark

Drafted:IO/S/CD:MBody
2/25/52 x22526
Clearances:IO/S:JDTowle
IO:MLudolph
L:JMichols
H:APDrechsler (Draft)

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FM USUN NEW YORK
TO DEPT OF STATE
WHITE HOUSE
SECDEF

S E C R E T 050000Z FEB 82 PRIVACY CHANNEL

FROM AMBASSADOR KIRKPATRICK (PR/USUN NEW YORK 844)

TO: ALEXANDER M. HAIG, JR., SECRETARY OF STATE
WILLIAM P. CLARK, NATIONAL SECURITY ADVISER
TO THE PRESIDENT

FROM: JEANE J. KIRKPATRICK

SUBJECT: FY '82 VOLUNTARY CONTRIBUTIONS TO THE SPECIALIZED AGENCIES OF THE UNITED NATIONS

IT HAS COME TO MY ATTENTION THAT THE FY '82 U.S. VOLUNTARY CONTRIBUTIONS TO THE SPECIALIZED AGENCIES OF THE UNITED NATIONS (UNICEF, UNDP, UNFPA, ETC.) CONTAIN NO MANDATORY RESTRICTIONS ON THE UTILIZATION OF THOSE FUNDS FOR PROGRAMS DEALING WITH THE PLO, UNRWA, OR IN CUBA. THE PREVIOUS AUTHORIZATION AND APPROPRIATIONS BILLS HAD REQUIRED THAT WE REDUCE OUR CONTRIBUTIONS BY AN AMOUNT EQUIVALENT TO THE CONTRIBUTIONS TO SUPPORT THESE ACTIVITIES. THE STATE DEPARTMENT HAS INTERPRETED THE ABSENCE OF A CONGRESSIONAL RESTRICTION AS PERMISSION TO INCREASE U.S. FUNDING OF PROGRAMS FOR THESE ORGANIZATIONS.

OBVIOUSLY, THIS IS A VERY POLITICALLY SENSITIVE DECISION. FRANKLY, I WONDER IF THE ADMINISTRATION DESIRES TO BE IN THE POSITION OF RESTORING U.S. FUNDING FOR PROGRAMS BENEFITTING THESE GROUPS. CONGRESS' ACTION WOULD NOT PREVENT THE ADMINISTRATION FROM DECIDING ITSELF TO CONTINUE THE RESTRICTIONS, WOULD IT? IN ANY CASE, THE DECISION IS POLITICALLY SENSITIVE ENOUGH THAT WE WILL FORWARD NO CHECKS TO THE ORGANIZATIONS CONCERNED UNTIL I HEAR FROM YOU.

BT
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THE SECRETARY OF STATE

WASHINGTON

March 4, 1982

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Dear Jeane:

I agree with your memorandum of February 24 that the issue of restrictions of U.S. voluntary contributions to UN assistance programs is politically very sensitive. It is not true, however, that the Department interprets the absence of restrictive provisions in the FY-82 appropriations bill as permission to ignore UN funding for objectionable organizations.

As you know, we have made strong efforts to oppose such activities by UN programs, both in their governing councils and in private consultations with Secretariat officials. Thanks to these efforts, and effective work by your Mission, we were successful last year in limiting UNDP and World Food Program projects in Vietnam, for example.

The question posed by your message is whether the Administration can decide for itself to continue these restrictions in the absence of Congressional direction. The answer is that it cannot. We would need to obtain a formal budget rescission approved by both Houses of Congress covering appropriations for the affected programs. This is a cumbersome procedure which could complicate our relations with Congress on other vital budget issues.

Frankly, I am not sure it would be worth the trouble. As you know, U.S. contributions to the voluntary programs go into a general fund and cannot be effectively earmarked to prevent use of them in a particular country or activity offensive to us.

The Honorable
Jeane J. Kirkpatrick,
United States Representative
to the United Nations,
New York.

GDS 3/4/88

If Congress imposes sanctions on the 1981 appropriation, we will of course comply, as we did for the 1981 appropriation. We must in the meantime continue to oppose vigorously activities by UN voluntary programs in support of countries or organizations we find repugnant.

Sincerely,

Alexander M. Haig, Jr.

APPENDIX II

United States Department of State

Washington, D.C. 20520

July 27, 1987

Dear Mr. Chairman:

Following the July 24 nomination hearing of Nicholas Platt, to be Ambassador to the Republic of the Philippines, Senator Helms submitted additional questions to be answered for the record.

Please find enclosed the answers to those questions.

Sincerely,

J. Edward Fox

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:

As stated

The Honorable
Claiborne Pell, Chairman,
Committee on Foreign Relations,
United States Senate.

1. What was the chain of command involved in the Philippine transition effort, and what was your position within the chain of command?

The chain of command for the Department of State was from the President to the Secretary of State or the Undersecretary of State for Political Affairs acting on his behalf, through the Assistant Secretary of State for East Asian and Pacific Affairs to the Ambassador. As Executive Secretary of the Department and Special Assistant to the Secretary of State, I managed channels of communication and staff coordination for the Secretary, but had no position in the chain of command.

2. Were any interagency groups established to coordinate the transition effort? Which agencies were involved?

Secretary of State Shultz convened an interagency meeting at his residence on Sunday morning, February 23, 1986, to provide coordination for handling the crisis in the Philippines. The meeting was attended by the Secretary of Defense and Assistant Secretary of Defense Armitage; General P.X. Kelley representing the Chairman of the Joint Chiefs; Admiral Poindexter, the President's National Security Adviser; Robert Gates, Deputy Director of the CIA; Phillip Habib, the President's Special Representative; and State Department officers, including Deputy Secretary John Whitehead, Undersecretary for Political Affairs Michael Armacost, and Assistant Secretary Paul Wolfowitz.

The President called a meeting of the National Security Policy Group on Sunday afternoon February 23 to review the situation in the Philippines and to discuss policy recommendations. The President, the Secretary of State, the Secretary of Defense, the Director of the CIA, the National Security Advisor, the Chairman of the JCS (or General Kelley), Mr. Habib, and Mr. Armacost were among those who attended.

The agencies involved were the White House (NSC staff), State, Defense, the JCS, and the CIA.

Meanwhile, on Saturday, February 22, a Task Force with interagency representation chaired by State was established round-the-clock in the Operations Center to monitor the crisis and facilitate coordination.

3. Who were the key participants in formulating U.S. policy in the transition period?

The President, the Secretary of State, the Secretary of Defense, the Chairman of the JCS, the Director of the CIA, and the National Security Advisor. These men and their representatives were in constant touch during the crisis.

4. It has been reported that President Ferdinand Marcos won the so-called "snap" elections of February 1986 by approximately 1.5 million votes. Was there at the time, or has there since emerged, any evidence which would demonstrate that President Marcos did not win the election? Was there at the time, or has there since emerged, any evidence which would demonstrate that Mrs. Aquino won the election.

Overwhelming evidence emerged at the time that the level of fraud and manipulation on behalf of the Marcos candidacy was of such a magnitude that President Marcos' alleged victory could not be considered the expressed will of the people.

On February 15, 1986 President Reagan stated that "the elections (in the Philippines) were marred by widespread fraud and violence perpetrated largely by the ruling party." On February 19, the U.S. Senate approved a resolution by a vote of 85 to 9 "expressing the sense of the Senate that the recent presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines."

These conclusions were based significantly on the reports of on-the-scene independent election observers. These most prominently included the 20-member United States Presidential Observer Delegation co-chaired by Senator Lugar and Congressman Murtha, which was sent at the invitation of President Marcos and the Philippine parliament; and the 40-member International Observer Delegation representing nineteen nations which was co-sponsored by the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs. These conclusions were also confirmed by an intensive nationwide observer effort fielded by the United States Embassy, and by the very large contingent of foreign press which was scattered throughout the Philippines during the election period. Independent observers confirmed theft of ballot boxes, stuffing of boxes, fraudulent vote counts, disenfranchisement of voters, denial of the right of accredited opposition and election officials to carry out their functions and physical intimidation -- all on a vast scale, perpetrated by the ruling party. In contrast, the level of fraud perpetrated by supporters of Mrs. Aquino was insignificant.

In the final analysis, it was for the Filipinos to judge the outcome of the election, and they have. They regard Corazon Aquino as their president. In a plebiscite on February 2, 1987, the Philippine electorate voted overwhelmingly to adopt a new constitution that was regarded by Aquino opponents and supporters alike as a "referendum" on President Aquino; in Section V of Article XVII it expressly extends the term of the incumbent President and Vice President until June 30, 1992.

5. The Philippine legislature, the "Batasan Pambansa," according to normal election procedure proclaimed Mr. Marcos as President on February 25th. Additionally, according to normal constitutional procedure, Mr. Marcos was sworn as President by the Chief Justice of the Supreme Court at Malacanang Palace on February 25th. Is it your view that Mr. Marcos was the constitutional President of the Philippines after these procedures had been observed? If not, what exact status did Mr. Marcos have at this point?

On February 25, 1986, Mr. Marcos and Mrs. Aquino each took an oath of office as President of the Philippines in separate ceremonies in Manila. On the same day, the United States extended recognition to the Government headed by President Aquino. (A copy of the statement of the Secretary of State extending recognition to the Aquino Government, issued at the White House is attached.) This action effectively resolved any questions regarding the United States' position with respect to Mr. Marcos's status.

SECRETARY'S STATEMENT, FEB. 25, 1986[1]

The President is pleased with the peaceful transition to a new Government of the Philippines. The United States extends recognition to this new government headed by President Aquino. We pay special tribute to her for her commitment to nonviolence which has earned her the respect of all Americans.

The new government has been produced by one of the most stirring and courageous examples of the democratic process in modern history. We honor the Filipino people. The United States stands ready as always to cooperate and assist the Philippines as the government of President Aquino engages the problems of economic development and national security.

We praise the decision of President Marcos. Reason and compassion have prevailed in ways that best serve the Filipino nation and people. In his long term as President, Ferdinand Marcos showed himself to be a staunch friend of the United States. We are gratified that his departure from office has come peacefully, characterized by the dignity and strength that have marked his many years of leadership.

It is the Filipino people, of course, who are the true heroes today. They have high expectations for their country and for democracy, and they have resolved this issue nonviolently in a way that does them honor.

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[1]Text from Weekly Compilation of Presidential Documents of Feb. 3, 1986.
[2]Text from Weekly Compilation of Presidential Documents of Feb. 17.
[3]Text from White House press release.
[4]Press release 31 of Feb. 26, which also includes the Secretary's question-and-answer session with news correspondents. ■

6. On February 24, 1986, Minister Blas Ople, the personal representative of President Marcos, met with Secretary Shultz and Mr. Armacost. What was the position of the U.S. Government conveyed to Minister Ople? Was there a copy of a telegram from President Reagan to President Marcos conveyed to Mr. Ople?

Mr. Ople did meet with Secretary Shultz and Mr. Armacost on February 24, 1986. He was not provided with a telegram. He was provided with talking points which had been prepared and authorized for use by Ambassador Bosworth for his conversation with President Marcos, and sent separately by telegram to Embassy Manila. The text of the paper that was provided to Mr. Ople follows:

Begin text:

-- The President has asked me to come to you immediately with this message.

-- The current situation has presented us with a new set of conditions.

-- The election events, the confrontation, and the violence have deeply affected the American public and government.

-- If violence is employed against elements of the Philippine Armed Forces, we will not be able to continue military assistance. In addition, there will be strong -- perhaps irresistible -- pressures from Congress to suspend economic aid as well.

-- We want to help, but you must recognize it does not now matter how strongly you feel about having won the election, but the perception of your people and the American people is that the election was badly flawed.

-- The President is deeply concerned and wants to know what scenario you envision for a transition to a new government that will defuse the violent situation now evident.

-- He wishes to help you make this transition so the government and the people of the Philippines can face the severe problems in the economy and the threat of communist exploitation of this situation.

-- Our help as a good faith interlocutor with the various elements in confrontation can only be effective if you have reached the same conclusions as we have.

-- In this regard, he is genuinely concerned that you understand we are ready to facilitate the safety and medical care of you, your immediate family and close associates in the United States.

7. Following the election results, a climate of violence developed in the Philippines. Apparently for four days Philippine Air Force helicopters attacked the Malacanang Palace threatening the lives of President Marcos and his family. Were any of these helicopters refueled at Clark Air Force Base? Did any of these helicopters take ordnance, including rockets, of U.S. manufacture at Clark Air Force Base to be used in the attack against the Palace?

At no time were either helicopters or fixed wing aircraft of the Philippine Air Force re-armed with any type of ordnance at Clark Air Base during the crisis.

On Monday, February 24, several Philippine helicopters and fixed wing aircraft did land at Clark Air Base and request fuel and ordnance. They were refused. During the evening of February 24 (Manila time), instructions were received by Clark Air Base to refuel two of the helicopters without ordnance so that they could be used if necessary by General Ramos for humanitarian air lift if the military situation deteriorated. This was the only instance of any logistical assistance to Philippine Air Force (PAF) units during this time. The Filipino pilots were not night qualified and the helicopters could not fly from Clark until after daylight on February 25. On that day, numerous PAF aircraft landed at Clark Air Base but requested no assistance. Their pilots and commanders were simply taking their aircraft out of the fray.

We are aware of only a single instance in which any type of aircraft attacked Malacanang Palace and that was on Monday morning, February 24. Obviously, therefore, the two helicopters refueled later that night for humanitarian purposes were not subsequently involved in any hostilities against the Palace.

8. What was the chain of command with respect to the actions of the U.S. military during the transition period? Precisely who was involved in the chain of command at the Pentagon? How was this coordinated with the State Department? How was this coordinated with the National Security Council? Who was involved in this coordination effort?

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff were directly involved in the formulation and implementation of United States policy in this regard. Department of Defense personnel coordinated with the State Department, as appropriate, from the Cabinet-level policy formulation to operational decisions by personnel in the field.

The President's National Security Advisor, Admiral Poindexter, was also directly involved in policy formulation throughout this period. He and his staff coordinated with the State Department at many levels, including the Secretary, Undersecretary Armacost, Assistant Secretary Wolfowitz, and Department officers on the desk level.

9. Who instructed General Allen of the JUSMAG to negotiate a departure from the Palace? What was the chain of command involved in this process? How was this coordinated in Washington? Who was involved?

President Reagan invited Mr. Marcos, his immediate family, and close associates to come to the United States. This message was conveyed to President Marcos by Ambassador Bosworth in a telephone conversation on February 24. Talking points for that conversation are set out in the answer to Question 6. Senator Laxalt advised President Marcos at about this time to "cut and cut clean."

In accordance with the President's invitation, United States personnel in the Philippines were directed to prepare for the evacuation of Mr. Marcos, his family, and associates. These instructions were conveyed to Ambassador Bosworth by secure telephone through State Department channels. Confirmatory instructions were sent through military channels to Clark AB and Subic Naval Base. Specific arrangements were left to U.S. officers on the scene. Ambassador Bosworth was in charge of planning the evacuation and consulted closely with military commanders at Clark and Subic to that end.

10. Is it true that General Allen was instructed to give the impression that the United States would provide for transportation of the President and his family to his home in the province of Ilocos Norte. Precisely what were General Allen's instructions? Who gave General Allen these instructions? What was the chain of command?

General Allen was instructed to evacuate the Marcos party to Clark AB. It was anticipated that Mr. Marcos would make a decision on his final destination after the Marcoses had had an opportunity to rest for the night at Clark. President Marcos indicated before leaving Malacanang that he would prefer to go from Clark to Ilocos Norte, and that General Allen indicated that this was a possibility. As discussed more fully in the answer to Question 12, this situation changed during the night.

As indicated in the answer to Question 9, General Allen was under the direction of Ambassador Bosworth, who was receiving instructions from Washington through State Department channels.

11. At what time was President Marcos and his party airlifted to Clark Air Force Base? Where was the party taken on arrival at Clark Air Force Base?

Two Air Force helicopters under the command of Generals Allen and Williams landed at the Palace at approximately 8:30 p.m., February 25. These helicopters left the Palace at approximately 9:00 p.m. and arrived at Clark at approximately 9:35 p.m. The Marcoses and their party were provided with refreshments and then lodged in Air Force billeting facilities on the base.

12. At what time of the evening was the Marcos Party awakened and informed that they were being taken to Guam? Who informed them of their travel schedule? What was the role of General Williams in this transfer? Did President Marcos object to being flown to Guam? Did he protest this transfer? Was President Marcos threatened in any way? Who gave General Williams his orders to fly the Marcos Party to Guam? What was the chain of command?

During the night the security situation at Clark deteriorated seriously, and General Allen, after consulting with Admiral Crowe by telephone, concluded that it would be advisable for security reasons to remove the party to Guam.

At approximately 3:00 a.m., February 26, the Marcos party was awakened. General Allen advised Mr. Marcos's son, Ferdinand E. Marcos, Jr., Mr. Manotoc, General Ver, and Eduardo Cojuangco of the security threat to the Marcos party, and of the judgment of U.S. military authorities that their safety could be better assured on Guam. Once on Guam they could decide their ultimate destination, and the United States would transport them to that destination. Mr. Marcos's son, Manotoc, Ver, and Cojuancgo went into Marcos's personal quarters and returned shortly thereafter indicating that the party agreed to go to Guam. At the time of the aircraft's departure, Mr. Marcos was fully aware that his destination was Guam. He did not protest in any way and was not threatened in any way. He would not, in any event, have been taken against his will. Upon arrival in Guam Mr. Marcos expressed his pleasure at being on United States' soil.

General Williams was the commander of Clark AB and worked closely with General Allen and Ambassador Bosworth throughout the evacuation. The implementing order to fly President Marcos to Guam was consistent with the President's invitation to come to the United States and Marcos's wishes. The Department's records do not indicate whether General Williams received any further orders through military channels.

13. Would you characterize the transfer of President Marcos as one which took place against his will? Would you characterize this transfer as a kidnapping? Precisely how do you characterize this transfer of a head of state?

As indicated in the answer to Question 12, Mr. Marcos was fully aware of and had agreed to his destination when he left the Philippines. No threats or force were employed to make him leave, and he would not have been taken against his will. Under these circumstances Mr. Marcos's departure from the Philippines cannot be characterized as a "kidnapping." The United States assisted a former head of state to leave his country safely, in accordance with the President's invitation and his own wishes.

14. What is the precise immigration status of President Marcos and his family? What type of visa status do they have? What, if any, are the restrictions placed upon their status here? Can President Marcos freely come and go from the United States? Can Mrs. Marcos freely come and go from the United States? Has President Marcos been informed that he will not be permitted to return to the Philippines? Has President Marcos been informed that he will be forcibly restrained from returning to the Philippines?

This is primarily a legal question. The following answers are from the Department's legal office.

President Marcos and his family were admitted to the United States under the parole authority of the Attorney General. They have no visa status. One daughter (Imee) and her husband (Tommy Manotoc) and their children have left the United States.

On July 6, 1987, the Immigration and Naturalization Service served Mr. Marcos with a departure control order and a modification of the terms of his parole. Those documents provide, in effect, that Mr. Marcos may not leave the island of Oahu without the permission of the United States Government.

Mr. and Mrs. Marcos are also restrained by a February 11, 1987 order of the U.S. District Court for the Eastern District of Virginia, which stayed their commitment for contempt of court, pending appeal, on condition that they not depart the United States.

Mr. Marcos has been informed that he may not now return to the Philippines because the Philippine Government is not willing to consent to his return. Mr. Marcos has been informed that an attempt by him to return to the Philippines would be regarded as a violation of the departure control order and that he would be prevented from departing.

U.S. Department of Justice

Immigration and Naturalization Service

District Director

595 Ala Moana Boulevard
P.O. Box 461
Honolulu, HI 96809

July 6, 1987

HDW 215-C

Mr. Ferdinand Marcos
2338 Makiki Heights Drive
Honolulu, HI 96822

Dear Mr. Marcos:

The provisions of 8 U.S.C., Section 1185(a)(1) make it unlawful for any alien to depart the United States unless such departure is in conformity with the rules and regulations issued under that section. I now have reason to believe that you intend to depart from the United States, in a manner which would be prejudicial to the interests of the United States. I further have reason to believe that your departure from the United States would fall within 8 C.F.R., Section 215.3, a copy of which is attached, and is therefore prohibited. Consequently, in accordance with the authority vested in me under 8 C.F.R., Section 215.2(a), a copy of which is attached, you are hereby ordered that you shall not depart the United States until such time as this order is revoked.

In conformity with 8 C.F.R., Section 215.4, you have a right to a hearing before a special inquiry officer (immigration judge) regarding this order. A copy of the regulations describing the hearing process and your entitlement to representation during that process is attached.

Any such request for a hearing must be received by the undersigned at: 595 Ala Moana Boulevard, Honolulu, Hawaii 96813. If you do not make a timely request for such a hearing, this order shall become final fifteen (15) days from the date of service upon you.

Sincerely,

William W. Craig
District Director

Attachments

Service acknowledged.

Name: _____

Date: _____

§ 215.2 Authority of departure-control officer to prevent alien's departure from the United States

(a) No alien shall depart, or attempt to depart, from the United States if his departure would be prejudicial to the interests of the United States under the provision of § 215.3. Any departure-control officer who knows or has reason to believe that the case of an alien in the United States comes within the provisions of § 215.3 shall temporarily prevent the departure of such alien from the United States and shall serve him with a written temporary order directing him not to depart, or attempt to depart, from the United States until notified of the revocation of the order.

(b) The written order temporarily preventing an alien, other than an enemy alien, from departing from the United States shall become final 15 days after the date of service thereof upon the alien, unless prior thereto the alien requests a hearing as hereinafter provided. At such time as the alien is served with an order temporarily preventing his departure from the United States, he shall be notified in writing concerning the provisions of this paragraph, and shall be advised of his right to request a hearing if entitled thereto under § 215.4. In the case of an enemy alien, the written order preventing departure shall become final on the date of its service upon the alien.

(c) Any alien who seeks to depart from the United States may be required, in the discretion of the departure-control officer, to be examined under oath and to submit for official inspection all documents, articles, and other property in his possession which are being removed from the United States upon, or in connection with, the alien's departure. The departure-control officer may permit certain other persons, including officials of the Department of State and interpreters, to participate in such examination or inspection and may exclude from presence at such examination or inspection any person whose presence would not further the objectives of such examination or inspection. The depar-

ture-control officer shall temporarily prevent the departure of any alien who refuses to submit to such examination or inspection, and may, if necessary to the enforcement of this requirement, take possession of the alien's passport or other travel document.

§ 215.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

The departure from the United States of any alien within one or more of the following categories shall be deemed prejudicial to the interests of the United States.

(a) Any alien who is in possession of, and who is believed likely to disclose to unauthorized persons, information concerning the plans, preparation, equipment, or establishments for the national defense and security of the United States.

(b) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities of any kind designed to obstruct, impede, retard, delay or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States or the United Nations for the defense of any other country.

(c) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities which would obstruct, impede, retard, delay or counteract the effectiveness of any plans made or action taken by any country cooperating with the United States in measures adopted to promote the peace, defense, or safety of the United States or such other country.

(d) Any alien who seeks to depart from the United States for the purpose of organizing, directing, or participating in any rebellion, insurrection, or violent uprising in or against the United States or a country allied with the United States, or of waging a war against the United States or its allies, or of destroying, or depriving the United States of sources of supplies or materials vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for its defense, or for the defense of any other country allied with the United States.

(e) Any alien who is subject to registration for training and service in the Armed Forces of the United States and who fails to present a Registration Certificate (SSS Form No. 2) showing that he has complied with this obligation to register under the Universal Military Training and Service Act, as amended.

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States.

(g) Any alien who is needed in the United States as a witness in, or as a party to, any criminal case under investigation or pending in a court in the United States: Provided, That any alien who is a witness in, or a party to, any criminal case pending in any criminal court proceeding may be permitted to depart from the United States with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under the provisions of this part.

(h) Any alien who is needed in the United States in connection with any investigation or proceeding being, or soon to be, conducted by any official executive, legislative, or judicial agency in the United States or by any governmental committee, board, bureau, commission, or body in the United States, whether national, state, or local.

(i) Any alien whose technical or scientific training and knowledge might be utilized by an enemy or a potential enemy of the United States to undermine and defeat the military and defensive operations of the United States or of any nation cooperating with the United States in the interests of collective security.

(j) Any alien, where doubt exists whether such alien is departing or seeking to depart from the United States voluntarily except an alien who is departing or seeking to depart subject to an order issued in extradition, exclusion, or deportation proceedings.

(k) Any alien whose case does not fall within any of the categories described in paragraphs (a) to (j) inclusive, of this section, but which involves circumstances of a similar character rendering the alien's departure prejudicial to the interests of the United States.

§ 215.4 Procedure in case of alien prevented from departing from the United States. (a) Any alien, other than an enemy alien, whose departure has been temporarily prevented under the provisions of § 215.2 may, within 15 days of service upon him of the written order temporarily preventing his departure, request a hearing before a special inquiry officer. The alien's request for a hearing shall be made in writing and shall be addressed to the district director having administrative jurisdiction over the alien's place of residence. If the alien's request for a hearing is timely made, the district director shall schedule a hearing before a special inquiry officer, and notice of such hearing shall be given to the alien. The notice of hearing shall, as specifically as security considerations permit, inform the alien of the nature of the case against him, shall fix the time and place of the hearing, and shall inform the alien of his right to be represented, at no expense to the Government, by counsel of his own choosing.

(b) Every alien for whom a hearing has been scheduled under paragraph (a) of this section shall be entitled (1) to appear in person before the special inquiry officer, (2) to be represented by counsel of his own choice, (3) to have the opportunity to be heard and to present evidence, (4) to cross-examine the witnesses who appear at the hearing, except that if, in the course of the examination, it appears that further examination may divulge information of a confidential or security nature, the special inquiry officer may, in his discretion, preclude further examination of the witness with respect to such matters, (5) to examine any evidence in possession of the Government

which is to be considered in the disposition of the case, provided that such evidence is not of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, (6) to have the time and opportunity to produce evidence and witnesses on his own behalf, and (7) to reasonable continuances, upon request, for good cause shown.

(c) Any special inquiry officer who is assigned to conduct the hearing provided for in this section shall have the authority to: (1) administer oaths and affirmations, (2) present and receive evidence, (3) interrogate, examine, and cross-examine under oath or affirmation both the alien and witnesses, (4) rule upon all objections to the introduction of evidence or motions made during the course of the hearing, (5) take or cause depositions to be taken, (6) issue subpoenas, and (7) take any further action consistent with applicable provisions of law, Executive orders, proclamations, and regulations.

§ 215.5 Hearing procedure before special inquiry officer. (a) The hearing before the special inquiry officer shall be conducted in accordance with the following procedure:

(1) The special inquiry officer shall advise the alien of the rights and privileges accorded him under the provisions of § 215.4.

(2) The special inquiry officer shall enter of record (i) a copy of the order served upon the alien temporarily preventing his departure from the United States, and (ii) a copy of the notice of hearing furnished the alien.

(3) The alien shall be interrogated by the special inquiry officer as to the matters considered pertinent to the proceeding, with opportunity reserved to the alien to testify thereafter in his own behalf, if he so chooses.

DRAFT

Text of the modification of the teras of Mr. Marcos's parole, signed copy delivered to Mr. Marcos July, 1987

Mr. Ferdinand Marcos
2338 Makiki Heights Drive
Honolulu, Hawaii

Dear Mr. Marcos:

Pursuant to the authority vested in me as District Director of the Hawaii District Office of the Immigration and Naturalization Service, this is to notify you of the following additional conditions of your parole into the United States:

You must obtain from the District Director in Honolulu written permission to leave the Island of Oahu by any means. In this regard you must submit a written request to the District Director at least forty-eight (48) hours in advance of your proposed departure. This written request must include your purpose of travel, your itinerary, all means of transportation from your Makiki Heights residence, including the person or entity from whom the craft is obtained, its registration numbers, the crew's identities, and the number and identity of your traveling party. You may be required to furnish additional information.

These conditions are imposed upon you by the authority vested in me as District Director by 8 U.S.C. 1182(d)(5) and 8 C.F.R. 212.5.

I will give any request you may make my utmost consideration.

Sincerely,

William Craig
District Director

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN RE GRAND JURY SUBPOENAS TO FERDINAND AND IMELDA MARCOS (JOHN DOE 700)	)))	GRAND JURY 86-2

O R D E R

This matter came before the Court this 11th day of February, 1987, on the government's motion for a grant of immunity and an order requiring the above named witnesses to produce documents before the grand jury, motions to quash subpoenas to the witnesses, and a motion to hold them in contempt for refusing to provide the documents to the grand jury on the basis of former head-of-state immunity and various alleged privileges against self-incrimination. Counsel agreed that all motions be heard in the same hearing.

After hearing argument and for the reasons stated from the bench, it is hereby ORDERED:

That the government's motion for a grant of immunity and requiring the production of documents before the grand jury is GRANTED.

That the witness's motion to quash subpoenas is DENIED.

That, pursuant to 28 U.S.C. §1826(a), the witnesses are in contempt of this Court's Order and Ferdinand Marcos and Imelda Marcos are committed to the custody of the Attorney General or his duly authorized representative until such time as they purge themselves of contempt or for the life of this grand jury.

000232

That the commitment of Ferdinard Marcos and Imelda Marcos is stayed for a period of thirty (30) days, to permit an appeal of the Court's decision on the condition that they do not leave or travel outside the United States. If the Court of Appeals does not rule within the thirty (30) days, this commitment will be stayed until the Court of Appeals rules on the appeal from this Order.

Claude M. Hilton
UNITED STATES DISTRICT JUDGE

Date: Feb. 11, 1987

100TH CONGRESS
1st Session

SENATE

EXEC. REPT.
100-5

NOMINATION OF RICHARD N. VIETS

JULY 31 (legislative day, JUNE 23), 1987.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

The Committee on Foreign Relations, to which was referred the nomination of Richard Noyes Viets to be Ambassador to the Republic of Portugal, having considered the same, reports favorably thereon and recommends that the nomination be confirmed.

COMMITTEE ACTION

The nomination of Richard Noyes Viets to be Ambassador to Portugal was submitted by President Reagan to the Senate on January 21, 1987. On the same day the nomination was referred to the Committee on Foreign Relations.

The committee held open hearings on the Viets nomination on March 5 and June 30 of this year. At the hearing held on June 30th, testimony was received from Mr. Willis P. Hume, a Foreign Service officer. The nomination was also considered during committee business meetings held on March 10, March 24, and May 19. On July 28, 1987, the committee voted to report the Viets nomination favorably to the Senate by a vote of 12–5. Yeas: Senators Pell, Sarbanes, Kerry, Simon, Sanford, Moynihan, Lugar, Kassebaum, Boschwitz, Murkowski, Trible and Evans; Nays: Senators Cranston, Dodd, Helms, Pressler and McConnell.

COMMITTEE COMMENTS

The majority of the committee finds Richard N. Viets to be exceptionally well qualified to be our next Ambassador to Portugal. Mr. Viets has had a long and distinguished career serving the

S384-4.

United States in a number of difficult Foreign Service posts. The following is a short biographic sketch of Mr. Viets' career:

1984-Present	Foreign Service Board of Examiners
1981-1984	Ambassador to Jordan
1979-1981	Ambassador to Tanzania
1977-1979	Deputy Chief of Mission, Tel Aviv
1974-1977	Deputy Chief of Mission, Bucharest
1973-1974	Office Director, Secretariat Staff, Department of State
1969-1972	Special Assistant to the Ambassador, New Delhi
1968-1969	Political/Economic Officer, New Delhi
1967-1968	Science Officer, New Delhi
1965-1967	Economic/Commercial Officer, Madras
1962-1965	Economic/Commercial Officer, Tokyo
1960-1962	(Private Industry, Marketing Executive)
1957-1960	Trade Fair Exhibits, Department of Commerce
1955-1957	Public Affairs Assistant, United States Information Agency

Notwithstanding the questions that were raised at the extensive hearings that the committee has conducted on Mr. Viets' nomination, the Department and the White House remain firmly committed in support of this nomination. The following letter from Deputy Secretary of State illustrates this commitment:

THE DEPUTY SECRETARY OF STATE,
Washington, DC, July 24, 1987.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee,
U.S. Senate.

DEAR CLAI: I am writing to you and your colleagues on the Foreign Relations Committee in advance of your business meeting next week to urge that you favorably report to the Senate the nominations of Richard N. Viets as Ambassador to Portugal and Nicholas Platt as Ambassador to the Philippines. Since the two nominations have been before you for some time, I thought it would be appropriate to reaffirm to you the President's commitment to them as individuals fully qualified to be his Ambassadors to these important countries.

Ambassador Viets has had a distinguished career in the service of his country. He has been Ambassador to Tanzania and to Jordan. Ambassador Viets has wide experience overseas, and is well known as a tough, effective advocate of American interests. In addition to previous service as Ambassador, he was the Deputy Chief of Mission in Tel Aviv and Bucharest and has also served in Washington, Afghanistan, Tunisia, Japan and India.

Ambassador Platt was most recently the Executive Secretary of the State Department, which made him one of Secretary Schultz's closest advisors. Ambassador Platt has served his country since 1959, and is a distinguished member of the Foreign Service. He was Ambassador to Zambia. In addition to his posts in Zambia and Washington, he has served in Canada, Hong Kong, China and Japan. He is one of the Department's recognized authorities on East Asia and had experience in the 1979 Base Negotiations with the Philippine Government.

The Department takes seriously the Senate's responsbility to give its advice and consent to the President's nominees. Both of these nominees have had extensive consultations with Committee Staffs and have each appeared twice at Committee hearings. I believe it is fair to say that no question from any Committee member will be left unanswered.

I urge you to join your colleagues in voting to send these nominations to the Senate Floor. Both Portugal and the Philippines have recently changed governments. It is a time in both places of great opportunity for the United States. The President needs ambassadors in these nations because important American interests are at stake. He has expressed his full confidence in Nicholas Platt and Richard N. Viets; I hope you will now do the same.

Sincerely,

JOHN C. WHITEHEAD.

In the course of Mr. Viets' confirmation hearings, most of the questions raised concerning his suitability as an Ambassador were based on a 1983 audit by the State Department Inspector Generals' Office of the administrative operations at the Embassy in Amman. While a number of irregularities were raised, it should be noted that neither the management audit nor the compliance follow-up review made any suggestion of an intentional disregard of either law or regulations. It should also be noted that the process of complying with the audit recommendations was completed in record time and the Embassy's compliance responses were rated by the State Department as a "model to be emulated." The committee does not believe that one adverse audit report in an otherwise long and distinguished career should be the basis for the rejection of this nomination.

During the course of two long and extensive hearings and in the process of answering hundreds of questions, a number of important issues were raised. The following is a short summary of some of these issues and Mr. Viets' responses.

STATE INCOME TAXES

In response to allegations that Mr. Viets purposely failed to pay state income taxes during his tenure as a Foreign Service officer, the State Department, in a letter to the chairman dated July 27, 1987, signed by Assistant Secretary Fox, informed the committee that Mr. Viets had instructed his Vermont CPA to contact Vermont tax authorities and seek a prompt resolution of the issue of whether he is liable for any Vermont income tax during the period 1980–84.

The following is a copy of the communication:

U.S. DEPARTMENT OF STATE,
Washington, DC, July 27, 1987.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: The Department received a copy of Senator Helms' July 23 letter to you pertaining to the nomination of Rich-

ard Viets as well as a copy of Mr. Christenson's memorandum of the same date addressed to Senator Helms.

In order to resolve the question raised in Senator Helms' letter of a possible Vermont tax liability, Ambassador Viets has instructed his tax accountant to contact the appropriate Vermont tax authorities and to seek a ruling on the matter as rapidly as possible. Enclosed is a copy of a letter sent to his accountant.

Ambassador Viets wants to assure the Committee that should the State of Vermont conclude, after review of the relevant circumstances surrounding the situation, that he is liable for any past tax for the period 1980–84, this obligation will be immediately met. Meanwhile, it is important to note that neither he nor his tax accountants have received any notice whatsoever from Vermont tax authorities of any tax delinquence at any time during the period 1980–84.

The Committee will be informed promptly of the results of the final adjudication of this matter. In the meantime, I earnestly hope that in view of Ambassador Viets' undertaking to resolve the issue as rapidly as possible that there will be no cause for further delay in the Committee's consideration tomorrow of Ambassador Viets' nomination.

Also enclosed is a copy of a letter sent today to Senator Helms regarding his concern over the confusion on the date of Ambassador Viet' change of residence from Vermont to Florida.

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

JULY 27, 1987.

THOMAS E. YARGER, *CPA,*
c/o Smith, Batchelder & Rugg,
141 Main Street, Montpelier, VT.

DEAR TOM: Per our telephone conversation this morning, would you please promptly contact the appropriate tax authorities in Montpelier regarding whether I have any income tax liability for the period 1980–84.

Because of my pending nomination before the U.S. Senate, I would be grateful for your cooperation in seeking resolution of this issue as rapidly as possible.

For your information I enclose a copy of a memorandum prepared by a staff member of the Senate Foreign Relations Committee concerning his inquiries on this matter with Vermont tax authorities.

With best wishes.

Yours sincerely,

RICHARD N. VIETS.

P.S. I will telephone you again on Wednesday following your return to Montpelier to ascertain if you need any additional data from me beyond what is already in your files.

Further, Mr. Viets has assured the chairman he will promptly meet any tax liability. It should also be noted that neither of the

CPAs who handle his taxes filed any Vermont returns because of their view that he was not liable for any tax under the terms of Vermont's definition of "residency."

GOVERNMENT VEHICLES

In response to allegations that the family of Ambassador Viets made unreimbursed personal use of government vehicles, Ambassador Viets testified that because of the exceptionally dangerous environment for the American Chief of Mission and his family in Amman, Jordan, he was advised by both American and Jordanian security authorities to travel only in security-approved automobiles. At no time did any official of the U.S. Government, including the Inspector General auditors, ever inform him that he was liable for any mileage reimbursement costs.

With respect to the 1983 auditor's report reference to an Embassy vehicle being assigned to the Ambassador's family, Mr. Viets, under oath, stated that there was no car in the embassy motor pool fleet "reserved for the Viets family." A back-up vehicle for the use of the Ambassador outside of Amman, and for use by CODELS and other VIPs, was kept in reserve at his request. On occasion it was used by the Ambassador's wife for shopping for representational events and in the course of her exceptionally busy official life as the wife of the highest profile diplomat in Jordan. The Ambassador also frequently used this car on weekends. Thus the combination of widespread use of this vehicle by high-level U.S. visitors and by the Ambassador and his wife accounts for almost all of the 975 miles per month logged on the vehicle.

LOAN FROM EMBASSY EMPLOYEE

During Mr. Viets' confirmation hearings, a question was raised concerning a loan at a seemingly concessionary rate from a Mrs. Luke, who was at the time the housekeeper at the Ambassador's official residence.

Mr. Viets provided the following response:

> Mr. VIETS. I welcome the opportunity to clarify that, Senator. Almost exactly 21 years ago today, my wife gave birth to a daughter in a hill station in southern India. That is the daughter that I referred to earlier, Senator Helms, who was born a Down's Syndrome child, severly retarded.
>
> As soon as this was made known to my wife and me, her condition, we immediately began to look for a governess-nurse to take care of her, because she needed essentially, as a baby, 24-hour-a-day-care. And after a couple of weeks of search, we located—and this in 1967—we located a lady named Mary Luke and I immediately put her on my personal payroll.
>
> She remained on my payroll until her death in October of 1984. From the day she started working for me—I might add that over the years I took her, again at my expense, to all of my posts. And over the years she became, as frequently happens in circumstances of this nature, really a member of my family.

From the very day she started working for me, she made it very clear that she did not trust banks. Many people of her background and from the region of the world where she is from do not use banks, as you know. So I in effect became her banker.

And whatever moneys she earned, I kept them for her, paid the current rate of interest in the bank account in which they were placed. She had a large number of relatives in India who were constantly seeking funds from her. So there was a great deal of paying out by me and not too much paying in.

But she was a remarkable lady and was doing remarkable things for this young daughter, and so one did not worry about it.

In 1980 I decided that the situation was getting a little bit out of control, that I was paying out more than at times she was putting in, as I mentioned a moment ago. She had launched a day care center for tiny children of colleagues of ours in Tanzania, where there were no facilities for taking care of children. And she suddenly began to earn some money of substantial amounts, at least in her terms.

And so, because I was paying interest on this, I concluded it was time for me to begin to note of this fact on my income tax.

And at the same time in 1981, when it became time to fill out my financial disclosure statement, I for the first time made note of the fact that I was holding a certain sum of money from this lady. It fell under the "loan" column of the financial disclosure statement because there is no other column that fits the particular situation which our relationship was.

In 1979 when I was preparing to go to Dar es Salaam as Ambassador, there was a turnover of personnel in the residence in Dar es Salaam and there was need for somebody to run the residence. And the State Department here in Washington agreed that this woman, who was well known to a number of my colleagues who visited us in various posts, would fit the bill.

And she was put on the payroll at, I believe, the sum of $187 a month to be the housekeeper in Dar es Salaam. I paid for her passage to Dar es Salaam. She was what is called a local hired employee.

Again, when I was moved to Jordan I paid personally her expenses to move her to Jordan, and once again a similar arrangement was made. She got a pay increase at that point and she became the housekeeper while we were in Jordan, simply during the period of our tour.

The circumstances as I have described I hope you see are those which I believe any individual who has a long-term relationship with someone who has worked for his family for many, many years—this started in 1967—do not give rise, I trust in anybody's mind, that there was a relationship whatsoever between the fact that on two separate oc-

casions she worked as a housekeeper in embassies in which I served.

She was a remarkable woman. The U.S. Government got many, many times the—many is the Senator and Congressman who has been the beneficiary of this lady's kindness and assistance, I assure you.

EXCESSIVE REPRESENTATION CLAIMS

In response to charges that he made excessive claims in his representation and officials residence expenses, Mr. Viets stated emphatically that every claim submitted during his tenure was based on actual costs incurred and not on the maximum established dollar limit allowed by regulations.

Mr. Viets pointed out that in order to conserve scarce representation funds Embassy Amman charged the cost of hiring extra servants for representational events to the Official Residence Expense (ORE) account rather than to the representation account. According to Mr. Viets, this was a procedure used at other posts and had never been challenged by inspectors or auditors at any of the last three posts he had served in. When the Amman auditors pointed out this procedure was contrary to the intent of the regulations governing use of ORE funds, the procedure was promptly changed. The Department did not concur with the auditors' recommendations concerning a refund on the grounds that legitimate and fully documented official expenditures had been made irrespective of which account they had been charged to.

While other issues were raised during the confirmation hearings, the committee believes that a review of the hearing record will show that Mr. Viets, while under oath, made credible and plausible responses to all of the questions that were raised.

In conclusion, the post of U.S. Ambassador to Portugal is one of the most critical and demanding posts in the Foreign Service. Portugal has been an ally since 1949, when it joined the NATO alliance as a funding member. It provides strategically important naval, and air and space-tracking facilities on the European mainland as well as in the Azores and Madeira island groups. The U.S. airbase at Lajes in the Azores provides a vital link in the movement of NATO forces to the Middle East, Africa or the Mediterranean. Lajes also serves as home base for the P–3 Orion surveillance planes that cover the North Atlantic Ocean. The air and port facilities in Madeira are not specifically committed to NATO, but have been used on occasion in the past for military purposes. Madeira is of particular interest to NATO planners because of its command of the Atlantic approach to the Strait of Gibraltar.

The United States is a major source of direct foreign investment and the provider of considerable economic aid to Portugal—bilateral economic aid in 1984 was $40 million, $80 million in 1985, and $76 million in 1986. In addition, Portugal receives concessional Commodity Credit Corporation loans for food imports from the United States and loan guarantees for housing construction. Military assistance (grants, loans, and training) for 1984 was $107.9 million; for 1985 was $128 million; and for 1986 was also $128 million.

To be fully effective, the U.S. Ambassador to Portugal should have the following qualifications:

1. Ability to obtain and maintain access to those who influence Portuguese domestic and foreign policies.
2. A thorough knowledge of American history, social dynamics and foreign policy, and the ability to discuss and explain these matters both in public and in private.
3. Familiarity with Portugal's role in NATO and the European Economic Community.
4. Understanding of the level and objectives of the U.S. economic and military aid programs for Portugal and the relationship of these programs to assistance provided by other countries and international organizations.
5. Familiarity with Portugal's current and potential role in Southern Africa's affairs.
6. Knowledge of and the negotiating skills required to deal with U.S. investments in and trade with Portugal.
7. Leadership and managerial skills to direct and coordinate the activities of the various U.S. agencies represented in Portugal.

It is the committee's judgment that Mr. Richard N. Viets possesses these qualifications and is particularly well-suited to undertake this important mission.

ADDITIONAL VIEWS OF SENATOR HELMS WITH REGARD TO THE NOMINATION OF RICHARD VIETS

The nomination of Richard Viets presented an opportunity to review numerous serious allegations with regard to the conduct of his career as a Foreign Service officer. It presents a pattern of behavior that raises serious questions about the nominee's fundamental honesty and probity.

In the course of his testimony before the committee, Mr. Viets, under oath, made misstatements protecting questionable financial transactions and other conduct. His explanations of these problems lacked the required plausibility and frankness. If the State of Vermont comes to the same conclusion about his failure to file Vermont income taxes, he could well be liable to criminal prosecution.

The records show that there are unresolved questions about his representational expense vouchers, his official residence expense vouchers, his educational expense vouchers, his travel expense vouchers, his failure to reimburse the Government for his family's personal use of Government vehicles, and his failure to pay State income tax to his home State as required by the laws of Vermont, and possible violation of the electoral laws of Florida.

Even more disturbing is that he abused his authority as U.S. Ambassador in Jordan to attempt to coerce Foreign Service officers into approving vouchers which did not conform to applicable laws and regulations. Two Foreign Service officers placed their careers at risk by refusing to cooperate. Ambassador Viets retaliated against them, and both suffered damage to their careers.

It is noteworthy that the State Department Inspector General, Robert Brown, in a report on the Ambassador's administration of the Jordan Embassy, described him as "autocratic." The Inspector General required Mr. Viets to refund several thousand dollars to the U.S. Treasury for unauthorized charges to the Government. The Inspector General also recommended that Mr. Viets reimburse the Government for other expenditures, such as thousands of dollars for unauthorized first class air travel, and noted that a car and driver had been reserved for the use of Ambassador Viets' dependents in violation of the rules. According to the recorded mileage of that vehicle, the Ambassador should have refunded over $7,000. There is no record that refunds were made in either case.

FINANCIAL IRREGULARITIES IN PREVIOUS ASSIGNMENT

During the committee consideration of Ambassador Viets' nomination for appointment to be our Ambassador to Portugal, questions were raised concerning administrative irregularities discovered in 1983 by the State Department's Inspector General which raised serious questions about the Ambassador's basic honesty. While Ambassador Viets served as Chief of Mission on Jordan, his

post was selected for an in-depth audit of its administrative operations. The results of that audit led the State Department Inspector General, Robert Brown, to write to Ambassador Viets concerning the irregularities specifically identified with the Ambassador's own conduct. The letter is printed as an appendix to these views. Inspector General Brown's letter to the Ambassador included the following:

> I am particularly concerned with the administration of official representation, official residence expenses, education allowance payments, time and attendance records, and first class travel. You should personally ensure that clear and current instructions in the form of administrative procedures are issued to cover these and other areas vulnerable to abuse. In this way, all Mission personnel will have clear indication of your firm, unequivocal support for conformance to regulations. You should set the example.
>
> My second concern is that of your relations with your administrative staff. I have the impression that a great part of the difficulties stems from the fact that you are simply not listening to what they are trying to tell you. I fear that if the present situation continues, you may eventually find yourself in a troublesome situation that might not have arisen if you would have heeded their counsel.

Ambassador Viets has indeed found himself in a troublesome situation. Five members of the Committee on Foreign Relations have voted against his nomination and I am hopeful others may join in opposing the nomination as the investigation continues. While some members voted for the nomination with an explanation, none of those who voted for his confirmation were prepared to defend his record of service in Jordan without qualification. One member noted that he "would concur that there was evidence of sloppiness and a little bit of greed" in the way Viets conducted himself as Ambassador to Jordan.

The argument was made in favor of the nomination that on balance the Ambassador's record of "distinguished service" counterbalances the record of fiscal improprieties. Those who voted against the nomination included scrupulous adherence to the laws and regulations of this country while serving as an Ambassador among the most important standards by which distinguished service was measured.

The litany of irregularities identified by the Inspector General in his August 1983 report is long. Ambassador Viets disputes the conclusions of the inspection report on many points. It is significant that when he was shown a draft of the report for comment, he flew to Washington to appeal the conclusions personally to the Inspector General as one Foreign Service officer and ambassador to another. Inspector General Brown did not accept Ambassador Viets' explanantions or his disagreements with the inspectors' factual statements. It is understood that having lost in his attempt to convince the Inspector General to change the report, Ambassador Viets attempted without success to elicit the support of other Foreign Service officers in the Inspector General's office.

The committee examined the records of Ambassador Viets' financial transactions. The Ambassador provided, under oath, explanations of certain transactions that were less than completely pursuasive. Some examples of the unpersuasive and perhaps deliberately misleading information provided to the committee are the following:

Unreimbursed Personal Use of Government Vehicles

1. In connection with my question as to whether Embassy personnel, including ambassadors, are required to reimburse the government 20 cents per mile for any personal use of a government vehicle, the Ambassador stated "I believe, Senator, that in the era of terrorism those regulations have been substantially modified and the Ambassador has the authority to waive those regulations in the instances where there are overt terrorist threats against the community."

Facts: While the regulations on the use of government vehicles were changed on May 1, 1987 (3 years after the end of Ambassador Viets' tour in Amman) the new regulations make no change in the reguirement that personal use of government vehicles be reimbursed by the employee at 20.5 cents a mile (Volume 6 Foreign Affairs Manual Section 228.2-2 as revised 5-1-87). If the Inspector General's auditors are correct that an average of 975 miles per month was logged on a vehicle reserved for the Viets' family (in addition to the one reserved for the Ambassador himself), the Ambassador should have paid approximately $7,000 to the Government for his personal usage by his wife and daughters. There is an exception for transportation to and from school for one of his three daughters, but none for other purposes or for other family members.

Loan from Embassy Employee

2. In response to a question submitted by Senator Simon concerning the 6% interest rate loan of $15,001-50,000 extended by Ms. Mary Luke (an employee of the official residence whose salary was paid by the Embassy) to the Ambassador as reported on his 1984 financial disclosure report, the Ambassador explained that Ms. Luke was "really a member of my family" and came from a background where she did not trust banks so therefore he became her banker. "Whatever moneys she earned I kept them for her, paid the current rate of interest in the bank account in which they were place."

Fact: Ambassador Viets' 1984 financial disclosure report indicates that he had only three bank accounts: Columbia First Federal Savings, Washington ($1,001-5,000), Middleburg National Bank, Middleburg, Va. (same value) and American Security and Trust, Wasnington ($5,001-15,000). There is no bank account of $15,001-50,000 disclosed in the report that would substantiate his statement to the committee under oath that he had banked this sum for Ms. Luke. As for Ms. Luke being "really a member of my family", it should be noted that he also had a loan from his mother, Natalie Viets, for a similar amount and was paying her 10% interest rather than 6%.

Family Use of Official Vehicles

3. In response to my inquiry concerning the reservation of a car for the ambassadorial family's personal use, the Ambassador stated "There is nothing in the audit that makes that statement . . . there is absolutely no statement of that type by the Inspector General with respect to the use of automobile by my family."

Fact: Page 30 of the Inspection Report dated August 1983 states that a 1978 Oldsmobile was the "COM backup vehicle" (COM is Chief of Mission) and that "the COM backup vehicle and driver were assigned to the COM family."

Excessive Representation Claims

4. To explain extraordinarily high liquor consumption claims submitted for reimbursement, Ambassador Viets stated "It is the custom in Jordan, Senator, whenever a Jordanian guest comes to your home that you provide food and beverages, not only to your guest, but to his security and to his driver . . ." I was surprised by his claim and asked whether one really serves wine and hard liquor to the guards and drivers. Ambassador Viets replied "they would have had beer, gin, and whiskey without any question. That would be very typical of some of the people who would have been waiting out there in the automobiles . . ."

Fact: Ambassador Viets expense reimbursement vouchers and supporting documents do show that food and drink was provided to guards and drivers. They show that "soft drinks" and "arab food sandwiches" were served. There is absolutely no indication on these vouchers that it was the practice to serve alcoholic beverages to drivers and security guards.

Misstatements to the Committee

5. To further explain the extraordinary liquor consumption claimed on the vouchers, Ambassador Viets stated under oath that "the tradition in my kitchen was at the end of any function to count essentially empty bottles . . . normally it was only an empty bottle which is charged . . . what was charged always were empty bottles . . ."

Fact: While not in complete compliance with the regulations, this is a system that some foreign service personnel use for representation claims by maintaining separate "representational use only" and "personal" liquor cabinets. Ambassador Viets' representational expense claims were frequently filed for ¼, ⅓, and ½ bottles of scotch, gin, vodka, etc. If he was charging for partial bottles as they were consumed and charging for the full bottle again when they were emptied, then the concerns about expense account padding are only increased by this statement.

Further Misstatement to Committee

6. In response to my inquiry concerning a briefing for a 6 member investment delegation at which the claimed liquor consumption worked out to ¾'s of a bottle of hard liquor per person, Ambassador Viets claimed that two of the individuals were raging alcoholics. The Ambassador stated under oath "I do not want publicly to comment on the capacity of the individuals involved, but I

happen to know personally two of them. And I can assure you that the consumption rate of those individuals is rather greater than what you have just cited."

Fact: Although I find the statement that two of his guests consumed more than ¾'s of a bottle of hard liquor during a briefing very difficult to accept, especially as one of them was a former Ambassador highly regarded in the Foreign Service (Talcott Seelye), Ambassador Viets' statement if true is that he served what is considered a lethal dose of liquor to his guests during a briefing, an admission of very, very poor judgment. A counselor with the Department of State's Alcohol Awareness Program has informed my staff, however, that "even an alcoholic with a high tolerance would be passed out at that amount . . ." A participant in the briefing describes it as a "very businesslike briefing" at which no one got even tiddly, and no one had more than two drinks.

State and Local Tax Liabilities

During his sworn testimony on June 30, Ambassador Viets provided the committee with inaccurate information concerning his legal residence for the purpose of State taxation. No effort was made to correct the record until the State Department received a copy of a committee memorandum dated July 24 in which the inaccuracy was noted. One day before the vote on this nomination, the Ambassador indicated in writing to the committee that he was willing to pay any state tax liability that the State of Vermont, his former legal residence, imposed upon him.

Questions remain concerning his tax liabilities to the District of Columbia from July 1984 to the present. Ambassador Viets has claimed exemption from the District of Columbia's income taxes on the basis of a purported legal residence and domicile in Florida. As explained under oath, he claims a Florida legal residence on the grounds that at some unspecified point in the distant future he and his wife will "probably" move to Florida. In July 1984, he went to Florida and registered to vote by giving an affidavit that his permanent residence was 2855 Gulf to Bay Boulevard, Apartment 46C, Clearwater. The address was that of his mother's rented winter vacation home. In April 1985, she allowed the lease to expire. He has voted since April 1985 in Florida's national, state and local elections, although voting officials from Clearwater indicate that in order to do so he must have a bone fide physical address in the State.

Domicile is one's permanent legal home in one of the 50 States or the District of Columbia. It is typically the place from which one enters the Foreign Service, the place where one's parents may reside, where one owns property or investments, where one has one's principal bank account, and where one intends to return upon leaving government service. By any of these measures, Ambassador Viets is not domiciled in Florida and is probably a domiciliary of either Washington, DC, or the Commonwealth of Virginia. He entered the Foreign Service from employment with a private firm in Washington. He owns an expensive home in Washington, and a farm in Middleburg. His bank accounts are in Washington and Middleburg. Given his ownership of the Middleburg farm and

the Washington home, the claimed intention to move to Florida where he owns nothing whatsoever seems highly suspect.

Paying one's legally obligated debts to the governmental entities of this country is a basic necessity for any person confirmed by the Senate for high office. In the absence of a clear understanding from the tax authorities of the State of Vermont and the District of Columbia that he does not owe income taxes to those governmental entities, Ambassador Viets should not be confirmed for overseas assignment.

JESSE HELMS.

APPENDIX

JUNE 8, 1983.

Hon. RICHARD N. VIETS,
American Ambassador, Amman.

DEAR MR. AMBASSADOR: Ever since seeing the draft report of JAO operations in Amman and talking with the inspection team about many of its details, I have wanted to be in touch with you to express a number of concerns I have about operations at your embassy. I thought at first that I would incorporate my thoughts in the formal letter of transmittal accompanyng the final report, but since that is still some weeks away, I have decided to wait to no longer.

My concerns are twofold. First of all, I believe you and your staff must adhere more rigorously to regulations governing administrative activities. I am particularly concerned with the administration of official representation, official residence expenses, education allowance payments, time and attendance records, and first-class travel. You should personally ensure that clear and current instructions in the form of Administrative Procedures are issued to cover these and other areas vulnerable to abuse. In this way, all Mission personnel will have clear indication of your firm, unequivocal support for conformance to the regulations. You should set the example.

My second concern is that of your relations with your administrative staff. I have the impression that a great part of the difficulties stems from the fact that you are simply not listening to what they are trying to tell you. I fear that if the present situation continues, you may eventually find yourself in a troublesome situation that might not have arisen if you would have heeded their counsel. sel.

You have expressed your concerns about JAO staff inadequacies in Amman. A large part of that staff is turning over this summer. It ought to be easy, therefore, to reassess the situation after new staff has been in place and operating for a reasonable time.

In view of the circumstances that we found at your embassy, I believe it only fair to advise you that I am recommending a compliance followup review within the next twelve months or so.

Sincerely yours,

ROBERT L. BROWN.

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